



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection
FROM: Kurt Tidd, Bureau of Air Quality Control
SUBJECT: Corinth Wood Pellets, LLC.
DATE: January 7, 2010

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Statutory and Regulatory References:

38 M.R.S.A. § 591 and Maine's Rule for *Major and Minor Source Air Emission License Regulation* 06-096 CMR 115 authorizes the Department to impose reasonable and appropriate license conditions to ensure compliance with emission standards, regulations or orders. Corinth Wood Pellets, LLC operates its Corinth, Maine facility under the terms and conditions of Air Emission License A-956-71-A-N.

Location:

Corinth, Maine

Description:

Department staff performed a Reference Method 9 Visible Emissions (RM 9 VE) Observation on the final grind cyclone at Corinth Wood Pellets facility. The results of the RM 9 VE document a violation of Air Emissions License A-956-71-A-N.

Environmental Issues:

The Department relies on the licensing of facilities to ensure compliance with State Laws and Regulations. By requiring facilities to license their facilities, the Department is able to control the amount and types of pollutants that are emitted to the atmosphere within the state. Each license issued within the State specifies what standards and criteria must be complied with for each facility.

Department Recommendation:

Staff recommends approval of the Consent Agreement which requires Corinth Wood Pellets, LLC to comply with the requirements of Air Emissions License A-956-71-A-N provides for Civil Penalties in the amount of \$875.00. The penalty was a negotiated settlement based on the Air Bureau's penalty assessment guideline.

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IN THE MATTER OF:

CORINTH WOOD PELLETS, LLC)	ADMINISTRATIVE CONSENT
PENOBSCOT COUNTY)	AGREEMENT
CORINTH, MAINE)	
A-956-71-A-N)	

This Agreement by and among Corinth Wood Pellets, LLC ("CWP"), the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to 38 M.R.S.A § 347-A (1).

The parties agree as follows:

1. CWP is a Maine Limited Liability Company registered to do business in Maine, as a wood pellet manufacturing facility.
2. The violation described herein took place at CWP's processing facility located in Corinth, Maine.
3. During times relevant to this Agreement, CWP was subject to Maine's Protection and Improvement of Air laws ("Air Act"), 38 M.R.S.A. §§581-610-C and Air Emission License A-956-71-A-N (10/25/2006).
4. Throughout the period of time addressed in this Agreement, CWP was subject to Air Emissions License A-956-71-A-N condition eighteen (18) which state in relevant part;

(18) General Process Sources

Visible emissions from any general process source (including the screening operation, the fuel/wood material conveying systems, and the pellet bagging operations) shall not exceed an opacity of 20% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [MEDEP Chapter 101]

5. On May 4, 2009 Department Staff conducted a Reference Method 9 Visible Emissions (RM 9 VE) observation on the final grind cyclone exhaust stack. The results of the RM 9 VE documented opacity readings greater than 20% on a six minute block average basis in violation of condition (18) of Air Emissions License A-956-71-A-N stated above.
6. The Bureau of Air Quality issued a Letter of Warning ("LOW") to CWP on June 11, 2009 for the opacity violation listed above.

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**CORINTH WOOD PELLETS, LLC
PENOBSCOT COUNTY
CORINTH, MAINE
A-956-71-A-N**

**)ADMINISTRATIVE CONSENT
) AGREEMENT
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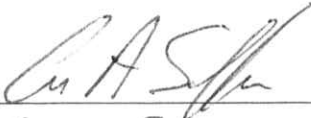
7. By the conduct described in paragraph five (5) CWP violated Air Emissions License A-956-71-A-N condition (18).
8. Department Staff notified CWP by a Notice of Violation (NOV) on June 24, 2009 of the Air Emissions violation as described in paragraph five (5).
9. For the purposes of this Agreement, CWP agrees that it received proper notice of all violations identified herein pursuant to 38 M.R.S.A. § 347-A(1)(B).
10. Pursuant to 38 M.R.S.A § 341-D(6)(C) and 347-A(1)(A)(1), Administrative Consent Agreements must be approved by the Board of Environmental Protection ("Board"), which is part of the Department.
11. This Agreement shall become effective only if it is approved by the Board and the Maine Office of the Attorney General.
12. To resolve the violation identified in paragraph five (5) of this agreement, CWP agrees to pay to the Treasurer, State of Maine immediately upon signature of this Consent Agreement a civil monetary penalty in the amount of eight hundred and seventy five dollars (\$875.00) for the violation related to Air Emissions License A-956-71-A-N set forth herein.
13. The Board and the Office of the Attorney General grant a release of their cause of action against CWP for the specific violation listed in paragraph five (5) of this Agreement on the express condition that the civil monetary penalty listed in paragraph twelve (12) of this Agreement is paid. The release shall not become effective until all requirements of this Agreement are satisfied.
14. Non-compliance with this Agreement voids the release set forth in paragraph thirteen (13) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
15. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.
16. The provisions of this Agreement shall apply to, and be binding on, the parties, their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

CORINTH WOOD PELLETS, LLC
PENOBSCOT COUNTY
CORINTH, MAINE
A-956-71-A-N

)ADMINISTRATIVE CONSENT
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AGREEMENT

IN WITNESS HEREOF the parties hereto have executed this Agreement of three (3) pages.

CORINTH WOOD PELLETS, LLC

BY:  GEORGE A. SOFFRON 12/03/2009
Title CHIEF EXECUTIVE OFFICER DATE

BOARD OF ENVIRONMENTAL PROTECTION

BY: _____
Susan M. Lessard, Chair DATE

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____
Gerald D. Reid, Assistant Attorney General DATE